

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL LEE WATSON,)	
)	
Petitioner,)	
)	
v.)	No. 4:06-CV-784-JCH
)	
CITY OF ARNOLD,)	
)	
Respondent.)	

ORDER AND MEMORANDUM

This matter is before the Court upon the petition of Michael Lee Watson for a writ of habeas corpus and his application for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a). Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay any portion of the filing fee.

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges respondent's "right to hold [him] in jail for charges of 'failure to register motor vehicle and viol. of financial responsibility.'" He states that he has been released on bond for medical reasons.

Upon review of the instant petition, the Court finds no indication that petitioner has previously presented his claims to a Missouri state court. In the absence of exceptional circumstances, a state prisoner must exhaust currently available

and adequate state remedies before invoking federal habeas corpus jurisdiction. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973). State remedies are ordinarily not considered exhausted if an individual may effectively present his claim to the state courts by any currently available and adequate procedure. The State of Missouri provides habeas corpus relief for persons in its custody. As such, the instant action will be dismissed, without prejudice, for failure to exhaust state remedies.

Therefore,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #3] is **GRANTED**.

IT IS FURTHER ORDERED that no order to show cause shall issue as to the respondent, because petitioner has failed to exhaust his available state remedies.

IT IS FURTHER ORDERED that petitioner's application for a writ of habeas corpus is **DENIED**, without prejudice.

An appropriate order shall accompany this memorandum and order.

Dated this 1st day of June, 2006

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE